



CITY OF KIRKLAND

Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587-3225
www.ci.kirkland.wa.us

MEMORANDUM

To: Planning Commission

From: Angela Ruggeri, AICP, Senior Planner *AR*

Date: May 16, 2007

Subject: MARKET STREET CORRIDOR DESIGN REGULATIONS
(MIS07-00007/ZON07-00007)

RECOMMENDATION

Consider the proposed amendments and public comment and make a recommendation to City Council on rezones, Zoning Code amendments and design guidelines for the Market Street Corridor.

BACKGROUND DISCUSSION

The Market Street Corridor Plan was adopted on December 12, 2006 (Ordinance No. 4077) as part of the Market and Norkirk Neighborhood Plans update process. This new plan was created for commercial and multifamily properties adjoining Market Street, extending as far north as 19th Avenue. The proposed regulations and zoning map changes are based on the adopted plan policies.

The Planning Commission held three study sessions on the proposed regulations (January 11, 2007, February 8, 2007 and March 8, 2007) which lead up to the public hearing on April 26, 2007. All previous staff memorandums prepared for those meetings are available for viewing on line at:

http://www.ci.kirkland.wa.us/depart/Planning/Code_Updates/mnh/Market_Work_program.htm

The audio of each meeting is available for listening to at this link:

http://www.ci.kirkland.wa.us/depart/Planning/Planning_Commission/Planning_Commission_Meetings_Online.htm.

Potential Zoning Amendments to Implement the Market Street Corridor Plan

The Market Street Corridor is presently made up of three main zones (Attachment 1). The majority of the corridor is zoned Professional Office Residential (PR) with a residential density of 3600 square feet per unit (12 units/acre). A small section on the south end has a residential density of 1800 square feet per unit (24 units/acre). There is a Neighborhood Business Zone (BN) toward

the north end of the corridor on the west side of Market Street. This zone presently contains a small strip mall development. There is also a Community Business Zone (BC) surrounding the historic district at 7th Avenue and Market Street. Staff has divided the corridor into the four subareas shown on Attachment 1.

New zones have been designed specifically for the Market Street Corridor. These zones are based on existing zoning with adjustments for unique aspects of the Corridor. They are titled Market Street Corridor (MSC) 1, 2, 3 and 4 and correspond to the subareas shown on Attachment 1.

Key issues discussed at 4/26/07 Planning Commission Hearing

Maximum size allowance for retail and restaurant uses

The Planning Commission discussed the idea of having the same maximum size limit for both retail and restaurant uses in a zone. It was suggested that this limit be 4000 square feet in the MSC 2 and MSC 3 zones and 2000 square feet in the MSC 1 and MSC 4 zones. The use zone charts have been changed to reflect these size limits. Staff was also asked to check into the actual size of various retail and restaurant uses for reference purposes. The sizes are listed below. The Asian Wok restaurant will become a legal non-conformance if the above limits are used. It has 3,200 square feet and the MSC 1 zone where it is located will allow a maximum square footage of 2000 square feet. The PR zone does not have a maximum square footage for restaurants so it meets the size allowance for its present zoning.

Retail Uses:

- **Blooming Home - 702 Market Street – 4000 sf
- **Salon Pecoaro - 722 Market Street – 1100 sf
- **Zo Salon – 1718 Market Street – 700 sf
- **Humanature Photography - 730 Market Street – 1300 sf
- **Zip Mart – 2400 sf
- Trader Joe's (Totem Lake) – 9,350 sf

Restaurant Uses:

- **Asian Wok 3,200 sf
- Chan's Place – 12041 124th Avenue NE – 4,200 sf
- Café Juanita – 9702 NE 120th Place – 3,000 sf
- Shari's – 12207 NE 116th – 4,600 sf
- Ristorante Paradiso – 120-A Park Lane – 2,000
- Starbucks on 85th – 12209 NE 85th – 2,500 sf
- Brown Bag – 12217 NE 116th – 4,900 sf

*** Businesses that are part of the Market Street Corridor.*

Staff Recommendation: Limit the square footage of retail, and restaurants, taverns and fast food to 4000 square feet in the MSC 2 and MSC 3 zones and 2000 square feet in the MSC 1 and MSC 4 zones.

Parking location on office sites

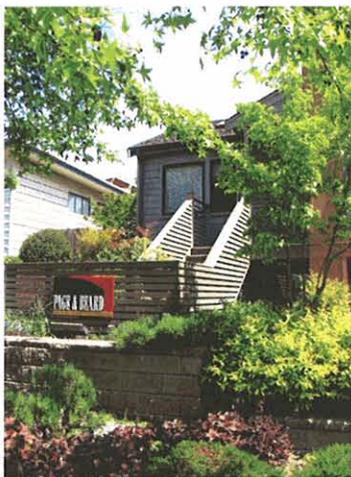
Staff originally proposed a regulation stating that vehicle parking areas must have a minimum 20-foot setback from all front property lines and meet the minimum required setbacks from all other property lines for the use. This was to make the parking placement requirements for office and retail uses consistent with those already in place for multifamily uses. The Planning Commission asked staff to consider other possibilities for this requirement. The following photos give examples of existing parking locations along the corridor.

EXAMPLES WITHOUT PARKING IN THE FRONT YARD

312 11th Avenue (parking below grade)



910 Market Street (parking in the rear)



1010 Market Street (parking below grade and off the alley)

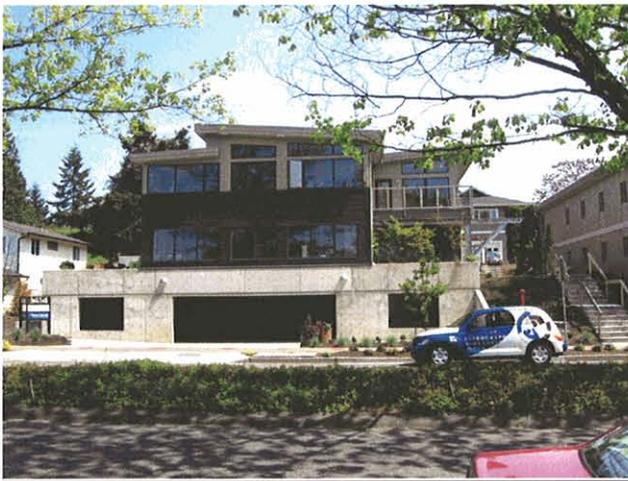


EXAMPLES WITH PARKING IN THE FRONT YARD

406 Market Street (under and in front of building)



1414 Market Street (parking beneath and in front of the building)



1524 Market Street (parking in front of building)



1600 Market Street (parking in front of the building)



Staff Recommendation: Change the requirement to match that used for Juanita Business District 2 and the North Rose Hill Business District and move it to chapter 105, the parking chapter of the Zoning Code (see Attachment 6). The new wording would not allow parking lots to be located between the street and the building unless no other feasible alternative exists on the subject property.

New Staff Issue Relating to the Fast Food (coffee shop) listing

Staff proposed the following wording in all four new zones to allow for coffee shops and similar uses.

Fast food restaurants are ONLY allowed in this zone if they:

- Do not include drive-in or drive-through facilities;

- Primarily prepare and serve specialty nonalcoholic beverages, such as coffee, tea, juices, or sodas, or specialty snacks, such as ice cream, frozen yogurt, cookies, sandwiches or popcorn, for consumption on or near the premises. Fast food restaurants allowed under this provision may also engage in the sale of related products such as coffee beans, mugs and coffee makers in support of or ancillary to the beverages or snacks listed above; and
- Provide one outdoor waste receptacle for every eight parking stalls.

Sandwiches were added to the original wording that was used in the Rose Hill 5A and B zones by the Planning Commission. Staff feels that we can get the same result by allowing fast food without all the additional wording if drive in and drive thru facilities are prohibited. The present definition of fast food restaurant in the Zoning Code is: "An establishment which offers quick food service which is accomplished through a limited menu of easily produced items. Orders are not taken at the customer's table, and food is served in disposable wrappings or containers, and the seating and associated circulation areas exceed 10 percent of the gross floor area of the use."

Staff Recommendation: Change wording to say fast food restaurants without drive thru or drive in facilities are allowed. *This has not been changed on the attached Use Zone charts as staff wanted to discuss the issue with the Planning Commission first.*

Use Zone Charts for the Market Street Corridor Zones

The proposed charts for these zones are included as Attachments 2, 3 and 4. These charts show the proposed changes that have been made to the existing use zone charts for the corridor.

The following list of potential Zoning Code changes is organized by zone and subarea. These charts have been discussed by the Planning Commission at the April 26, 2007 public hearing. Staff recommends approval with the exception of the fast food use listing described above.

Market Street Corridor 1 and 4 (MSC 1 and MSC 4)

The zoning was previously Professional Office Residential (PR)
(See Attachment 2 for proposed use zone charts)

1. A general regulation has been added to say that some development standards or design regulations may be modified as part of the design review process.
These standards include:
 - Reduction of the required front yard setback, and
 - Flexibility of the horizontal façade regulation. (See Chapter 142 – Attachment 5)
2. Administrative Design Review is required for all use listings except detached dwelling units and public parks.
3. Required lot sizes for some uses have been changed or removed.

The required lot size of 7,200 square feet for a Restaurant, Tavern or Fast Food Restaurant has been removed and there is no minimum lot size for the new general retail category.

4. Required front setback yard has been reduced from 20' to 10' in the MSC 4 zone.
5. The common recreational open space requirement has been removed from the Detached, Attached or Stacked Dwelling Unit listing.
This requirement is not normally used for multifamily housing in business districts throughout the City.
6. A general small retail category has been added.
This listing replaces the more specific listings for grocery store, drug store, Laundromat, dry cleaner, barber shop and shoe repair shop that are in the PR zone. This new listing requires administrative design review. The old listings were required to go through a Process I permit. The wording used for the general retail category is similar to the wording for general retail used in the Rose Hill 8 zone.

This general small retail category is described as follows:

Any retail establishment other than those specifically listed, limited or prohibited in this zone, selling goods or providing services, including banking and related financial services.

- Gross floor area for this use cannot exceed 2,000 square feet. This maximum square footage is used to maintain a reasonable size for neighborhood oriented/small retail uses.
- The following uses are not permitted in this zone:
 - Vehicle service stations.
 - Automotive service centers.
 - Uses with drive-in facilities or drive-through facilities.
 - Retail establishments providing storage services unless accessory to another permitted use.
 - Retail establishments involving the sale, service or repair of automobiles, trucks, boats, motorcycles, recreational vehicles, heavy equipment and similar vehicles.
 - Storage and operation of heavy equipment, except delivery vehicles associated with retail uses.
 - Storage of parts unless conducted entirely within an enclosed structure.
- Noise limitations have also been added to the special regulations.

See Attachment 2 for the full listing of special regulations.

7. Funeral homes are not allowed in this zone.

8. Restaurants, Taverns and Fast Food Restaurants (as described in 9 below)

- Are limited to 2000 square feet (there was no size limit in the PR zone)
- Noise limitations have also been added to the special regulations.
- Requires administrative design review (required a process I permit under old zoning).

See Attachment 2 for the full listing of special regulations.

9. A limited fast food use has been added to the restaurant and tavern listing on the use zone charts.

This was done so that coffee shops and similar uses will be allowed in the zone. The wording is similar to the wording used for the Rose Hill 5A and B zones for the same purpose. The word “sandwiches” has been added to the description at the request of the Planning Commission. This use has the following special regulations to limit it:

Fast food restaurants are ONLY allowed in this zone if they:

- Do not include drive-in or drive-through facilities;
- Primarily prepare and serve specialty nonalcoholic beverages, such as coffee, tea, juices, or sodas, or specialty snacks, such as ice cream, frozen yogurt, cookies, sandwiches or popcorn, for consumption on or near the premises. Fast food restaurants allowed under this provision may also engage in the sale of related products such as coffee beans, mugs and coffee makers in support of or ancillary to the beverages or snacks listed above; and
- Provide one outdoor waste receptacle for every eight parking stalls.

Requires administrative design review (required a Process I permit under old zoning).

See discussion in issue section for possible changes to this listing.

Market Street Corridor 2 (MSC 2)

The zoning was previously Neighborhood Business (BN)

(See Attachment 3 for proposed use zone charts)

1. A general regulation has been added to say that some development standards or design regulations may be modified as part of the design review process.

These standards include:

- Reduction of the required front yard setback, and
- Height increase of up to 5' maximum, and
- Flexibility of the horizontal façade regulation. (See Chapter 142 – Attachment 5)

2. Administrative Design Review is required for all use listings except public parks.

3. A general small retail category has been added.

This listing replaces the more specific listings that are in the BN zone. This new listing requires administrative design review. The wording used for the general retail category is similar to the wording for general retail used in the MSC 1 and MSC 4 zone.

This general small retail category is described as follows:

Any retail establishment other than those specifically listed, limited or prohibited in this zone, selling goods or providing services, including banking and related financial services.

- Gross floor area for this use cannot exceed 4,000 square feet. This maximum square footage is used to maintain a reasonable size for neighborhood oriented/small retail uses.

- The following uses are not permitted in this zone:
 - Vehicle service stations.
 - Automotive service centers.
 - Uses with drive-in facilities or drive-through facilities, **except those existing as of July 1, 2007*****.
 - Retail establishments providing storage services unless accessory to another permitted use.
 - Retail establishments involving the sale, service or repair of automobiles, trucks, boats, motorcycles, recreational vehicles, heavy equipment and similar vehicles.
 - Storage and operation of heavy equipment, except delivery vehicles associated with retail uses.
 - Storage of parts unless conducted entirely within an enclosed structure.

*** The exception shown in bold above is to allow for the existing espresso stand in this zone.

- Noise limitations have also been added to the special regulations.

See Attachment 3 for the full listing of special regulations.

4. Vehicle Service Stations are not allowed in this zone.

5. Restaurants, Taverns and Fast Food Restaurants (as described in 6 below)

- Are limited to 4000 square feet (there was no size limit in the BN zone)
- Noise limitations have also been added to the special regulations.

See Attachment 3 for the full listing of special regulations.

6. A limited fast food use has been added to the restaurant and tavern listing on the use zone charts.

This was done so that coffee shops and similar uses will be allowed in the zone. The wording is the same as the wording used for the MSC 1 and MSC 4 zones for the same purpose. This use has the following special regulations to limit it:

Fast food restaurants are ONLY allowed in this zone if they:

- Do not include drive-in or drive-through facilities;
- Primarily prepare and serve specialty nonalcoholic beverages, such as coffee, tea, juices, or sodas, or specialty snacks, such as ice cream, frozen yogurt, cookies, sandwiches or popcorn, for consumption on or near the premises. Fast food restaurants allowed under this provision may also engage in the sale of related products such as coffee beans, mugs and coffee makers in support of or ancillary to the beverages or snacks listed above; and
- Provide one outdoor waste receptacle for every eight parking stalls.

See discussion in issue section for possible changes to this listing.

7. Noise limitations have been placed on the use listing for Private Lodges or Clubs.

See Attachment 3 for the full listing of special regulations.

Market Street Corridor 3 (MSC 3)

The zoning was previously Community Business (BC)

(See Attachment 4 for proposed use zone charts)

Note: The property to the west of the MSC 3 zone will be zoned MSC 1 since it is not included in the Market Street Corridor Historic District in the Comprehensive Plan.

1. A general regulation has been added to say that some development standards or design regulations may be modified as part of the design review process.

These standards include:

- Flexibility of the horizontal façade regulation. (See Chapter 142 – Attachment 5)

2. Design Review by the Design Review Board is required for all use listings except public parks.

3. The front yard setback for MSC 3 has been reduced from 20' to zero to reflect the locations of the existing historic buildings.

4. The maximum height for MSC 3 is 30' to better match the heights of the existing historic buildings. The existing code only allows for 25' if the property is adjoining a low density residential zone.

5. A general small retail category has been added.

This listing replaces the more specific listings that are in the BC zone. The wording used for the general retail category is similar to the wording for general retail used in the MSC 1, MSC 2 and MSC 4 zone.

This general small retail category is described as follows:

Any retail establishment other than those specifically listed, limited or prohibited in this zone, selling goods or providing services, including banking and related financial services.

- Gross floor area for this use cannot exceed 4,000 square feet. This maximum square footage is used to maintain a reasonable size for neighborhood oriented/small retail uses.
- The following uses are not permitted in this zone:
 - Vehicle service stations.
 - Automotive service centers.
 - Uses with drive-in facilities or drive-through facilities.
 - Retail establishments providing storage services unless accessory to another permitted use.
 - Retail establishments involving the sale, service or repair of automobiles, trucks, boats, motorcycles, recreational vehicles, heavy equipment and similar vehicles **except those existing as of July 1, 2007*****.
 - Storage and operation of heavy equipment, except delivery vehicles associated with retail uses.
 - Storage of parts unless conducted entirely within an enclosed structure.

**** The exception shown in bold above is to allow for the existing car sales lot in this zone.*

- Noise limitations have also been added to the special regulations.

See attachment 4 for the full listing of special regulations.

6. Vehicle Service Stations are not allowed in this zone.

7. Restaurants, Taverns and Fast Food Restaurants (as described in 8 below)

- Are limited to 4000 square feet (there was no size limit in the BC zone)
- Noise limitations have also been added to the special regulations.

See attachment 4 for the full listing of special regulations.

8. A limited fast food use has been added to the restaurant and tavern listing on the use zone charts.

This was done so that coffee shops and similar uses will be allowed in the zone. The wording is the same as the wording used for the MSC 1, MSC 2 and MSC 4 zones for the same purpose. This use has the following special regulations to limit it:

Fast food restaurants are ONLY allowed in this zone if they:

- Do not include drive-in or drive-through facilities;
- Primarily prepare and serve specialty nonalcoholic beverages, such as coffee, tea, juices, or sodas, or specialty snacks, such as ice cream, frozen yogurt, cookies, sandwiches or popcorn, for consumption on or near the premises. Fast food restaurants allowed under this provision may also engage in the sale of related products such as coffee beans, mugs and coffee makers in support of or ancillary to the beverages or snacks listed above; and
- Provide one outdoor waste receptacle for every eight parking stalls.

See discussion in issue section for possible changes to this listing.

9. Noise limitations have been placed on the use listings for Hotel or Motel, Retail establishments providing entertainment, recreational or cultural activities, and Private Lodges or Clubs.

See Attachment 4 for the full listing of special regulations.

Design Regulations – Chapter 92 of the Zoning Code

(see Attachments 6 through 9)

The Design Regulations in Chapter 92 of the Zoning Code are used for administrative design review of projects. Janice Soloff from the Planning Department is working on simplifying Chapter 92 and will be taking her changes to the City Council in June. Since the Planning Commission has already made its recommendation on her amendments, the proposed changes for the Market Street Corridor are shown in the new format. They are basically the same as those reviewed by the Planning Commission at the public hearing on April 26, 2007 with some minor changes. Areas that relate to design review of the corridor are indicated.

Design Guidelines for Pedestrian Oriented Business Districts

(see Attachment 10)

The Design Guidelines for Pedestrian Oriented Business Districts, as adopted in the Kirkland Municipal Code Section 3.30.040, are used by the Design Review Board in doing their review of projects and also by staff for administrative design review. The following sections that relate specifically to the Market Street Corridor will be added to these guidelines. The section headings are listed in bold. Changes made since the April 26, 2007 public hearing are shown with ~~strikeouts~~ and underlines.

Introduction

Purpose of the Design Guidelines for the Market Street Corridor, including the Market Street Historic District (see page 4 of the guidelines)

The City Council adopted the Market Street Corridor Plan in December of 2006 as part of the Market and Norkirk Neighborhood planning process. The new plan was created for commercial and multifamily properties adjoining Market Street extending from the Central Business District at the south end to 19th Avenue at the north end. The plan includes a vision for the corridor of an attractive, economically healthy area that accommodates neighborhood oriented businesses, office uses and multifamily housing in a way that complements and protects the adjacent residential neighborhoods.

The historic 1890's buildings at the intersection of Market Street and 7th Avenue create a unique sense of place that represents the original town center of Kirkland. The plan establishes an historic district in this area that will reflect the City's past through both its old and new buildings and its streetscape. *New development and renovation within this historic district should reflect the scale and design features of the existing historic resources in the district.*

As part of the Market Street Corridor Plan, Design Regulations and Guidelines are established for new development and major renovations in the Market Street Corridor (MSC). These guidelines and regulations are intended to further the following design objectives that are stated in the plan:

- Encourage preservation of structures and locations that reflect Kirkland's heritage.
- Support a mix of higher intensity uses along the Market Street Corridor while minimizing impacts on adjacent residential neighborhoods.
- Maintain and enhance the character of the historic intersection at 7th Avenue and Market Street.
- Provide streetscape, gateway and public art improvements that contribute to a sense of identity and enhanced visual quality.
- Provide transitions between low density residential uses within the neighborhoods and the commercial and multifamily residential uses along Market Street.

The following guidelines, which suggest wider sidewalks, do not apply since there are no "pedestrian oriented streets" or "major pedestrian sidewalks" designated in the Zoning Code for the Market Street Corridor.

- Sidewalk Width: Movement Zone
- Sidewalk Width: Storefront Activity Zone

Additional guidelines that do not apply to the Market Street Corridor include:

- Protection and Enhancement of Wooded Slopes
- Height Measurement on Hillsides
- Culverted Creeks

Street Trees (see page 13 of the guidelines)
Special Considerations for the Market Street Corridor

A consistent street tree plan should be used to add character to the Corridor. The landscape strip on the east side of Market Street adds interest and provides a more secure pedestrian environment. Additional street trees should be considered on the west side of Market Street in order to provide a similar environment.

Public Improvements and Site Features (see page 15 of the guidelines)
Special Considerations for the Market Street Corridor

An historic style of street lights should be used to reflect the nature of the 1890's buildings in the historic district at 7th Avenue and Market Street. These lights may also be used along other stretches of the corridor, particularly in the area between the Historic District and the Central Business District.

Parking Lot Landscaping (see page 19 of the guidelines)
Special Considerations for the Market Street Corridor

Screening and landscaping should be required where parking is adjacent to single family residential uses in order to reduce impacts on the adjoining homes.

Fenestration Patterns (see page 21 of the guidelines)
Special Considerations for the Market Street Corridor

Window treatment in the historic district should reflect the **trim detailing**, size, proportions, location and number of windows in the existing historic buildings in the district.

Ornament and Applied Art (see page 25 of the guidelines)
Special Considerations for the Market Street Corridor

Emphasis on building features such as doors, windows, cornice treatment, bricks and ornamental masonry should be taken into consideration when designing new or remodeled buildings in the historic district. These features should be in keeping with the building materials, colors and details of the existing historic buildings.

Signs (see page 27 of the guidelines)
Special Considerations for the Market Street Corridor

Electrical signs are not allowed along the Market Street Corridor. Signs within the historic district should reflect the historic nature of the buildings in the area.

Visual Quality of Landscapes (see page 28 of the guidelines)

Special Considerations for the Market Street Corridor

~~A dense landscape buffer should be utilized to provide a transition separating the commercial and multifamily uses along the Market Street Corridor from the adjoining single family neighborhoods.~~

It was determined that this is already regulated by the buffering requirements in the landscape chapter of the Zoning Code.

Public Notice for the 4/26/07 Public Hearing

In preparation for the public hearing, notice was sent to all property owners and residents within the neighborhood and posted on 8 project public notice signboards located in the Market and Norkirk Neighborhoods and on 3 signboards along the Market Street Corridor. In addition, the notice of hearing was advertised in the Seattle Times, posted on the project website, and emailed to subscribers of the project list serve.

Environmental Review

A Draft and Final Environmental Impact Statement (EIS) on the City's Comprehensive Plan was published in 2004. The EIS addressed the 2004 Comprehensive Plan, Zoning Code and Zoning Map updates required by the Washington State Growth Management Act (GMA). An EIS Addendum was issued in September 2006 for the new Market Street Corridor chapter of the Comprehensive Plan. An EIS addendum was issued on May 14, 2007 for the Market Street Corridor regulations and zoning changes (Attachment 11). According to SEPA rules, an EIS addendum provides additional analysis and/or information about a proposal or alternatives where their significant environmental impacts have been disclosed and identified in a previous environmental document. An addendum is appropriate when the impacts of the new proposal are the same general types as those identified in the prior document, and when the new analysis does not substantially change the analysis of significant impacts and alternatives in the prior environmental document. The EIS Addendum fulfills the environmental requirements for the proposed amendments to regulations and the zoning map.

ATTACHMENTS:

1. Market Street Corridor Zones
2. Proposed MSC 1 and MSC 4 Use Zone Charts
3. Proposed MSC 2 Use Zone Charts
4. Proposed MSC 3 Use Zone Charts
5. Chapter 142 and Section 162.35 of the Zoning Code
6. Section 105 of the Zoning Code
7. Chapter 92 of the Zoning Code
8. Chapter 95 of the Zoning Code

9. Chapter 110 of the Zoning Code
10. Design Guidelines for Pedestrian-Oriented Business Districts
11. SEPA Addendum date 5/14/07

Cc: File ZON07-00007
Norkirk Neighborhood Association
Market Neighborhood Association
Kirkland Chamber of Commerce